

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

To: House Resources Committee Members

From: Karla Hart, staff to Representative Tarr

Date: January 29, 2020

RE: HB 27 response to committee questions of January 27

I address questions from the January 27 hearing.

Escape Time Value of Flame Retardants

Your pointed questions regarding the **safety afforded in additional time to respond or escape fires** led me to a two-page 2013 FAQ on California Technical Bulletin 117¹ that succinctly addresses many of your questions regarding fire safety and flame retardants.

- Relating to California's old standard (TB 117) that drove the flame retardant inclusion, the upholstery cover fabric was required to withstand a **one-second** small flame impingement test. Interior filling materials were required to withstand a **12 second** open flame. "Studies show that flame retardant tested foam does not provide a meaningful difference in egress time from non-flame retardant foam and increases smoldering propensity."
- The new California standard (TB 117-2013) addresses smolder standards rather than open flames. Two key pieces of information to support this approach:
 - "A CPSC [U.S. Consumer Product Safety Commission] study found that upholstery cover fabrics play a more important role in fire behavior performance than filling materials.."
 - "A CPSC study found there is no significant difference between the flame retardant foams formulated to pass TB 117 and untreated foams."

Vytenis Babrauskas, the global fire safety expert who testified before you last year, writes²:

- "Thus, the answer to the first question, 'Is the severity of the fire significantly reduced by the use of TB 117 foam [chemical flame retardant-treated]?' is clearly No. 'Does TB117 foam serve to prevent ignitions from small flame sources?' is also No."

¹ https://bhgs.dca.ca.gov/industry/tb_117_faq_sheet.pdf, accessed 1/29/2020

² <https://greensciencepolicy.org/wp-content/uploads/2013/12/Babrauskas-and-Blum-Paper.pdf>, accessed 1/29/2020

- “It is important to emphasize that the above findings have not been disputed. There are no published research studies where the answer to either of the two questions is ‘Yes.’ Thus, the evaluation of the fire safety benefits of TB117 foams is simple—there are no benefits—and a public policy judgment weighing fire safety against health and environmental drawbacks [available in full paper] is not required.”

Anchorage Ordinance Differences

The Anchorage ordinance:

- has a compliance section that allows a person who distributes, sells, or offers to sell a covered product in the municipality to demonstrate compliance with records from manufacturers;
- allows a waiver from compliance with the ordinance;
- requires labeling in compliance with California Technical Bulletin 117-2013. (HB 27 removes any labeling reference.)
- excludes toys, electronics, child restraint systems (we thought we excluded but industry response reminds us that people use the carrying part of child car seats inside homes), and clothing.

HB 27

HB 27 includes permission for Department of Environmental Conservation to participate an interstate chemicals clearinghouse, if the legislature decides to fund this at some future date.

HB 27 penalties are set at \$500 for a first violation, Anchorage penalty is \$300. Since HB 27 has no enforcement provisions or budget, this penalty is unlikely to be imposed unless a citizen pursues a violation.

I hope that this addresses your questions satisfactorily. This bill goes next to House Labor and Commerce, chaired by Resources member Representative Spohnholz and including Resource members Representatives Hannan and Rasmussen. I look forward to the opportunity to refine this bill to work for Alaska businesses while protecting Alaska consumers.